

March 26, 1975

SENATOR CAVANAUGH: All right. Then your premise is that any parked vehicle along the roadway is a hazard, and unavoidable hazard.

SENATOR CHAMBERS: No, but I say that in the circumstances...

SENATOR CAVANAUGH: Ok. Just a second, just a second. Only parked vehicles where afterward the owner operator of the vehicle declares that his purpose was to hunt.

SENATOR CHAMBERS: No, that doesn't follow.

SENATOR CAVANAUGH: Well, when is a parked vehicle an unavoidable hazard and when is it a normal obstruction that any reasonable driver could reasonably anticipate that there be one and he has an obligation to reasonably...to drive in a reasonable manner to avoid those reasonably expected obstructions.

SENATOR CHAMBERS: Now that is an intelligently framed question which allows an intelligent answer. If a person does not have X-ray vision nor is required to have X-ray vision even when driving a car so you cannot see through a hill, you won't know what is on the other side so you surmount the crest of a hill. So if a car is parked immediately over the top of a hill, you have no way of knowing it is there until you go over the hill. Now when you go over the top of the hill and the car is there obstructing your path, you have no choice and you have a right to take any action which would lead to your not suffering injury or loss of life. You can take evasive action. You are not required by the law to run into that car.

SENATOR CAVANAUGH: That is an obscure answer to a lucid question.

SENATOR CHAMBERS: That is a matter of opinion.

SENATOR CAVANAUGH: The point is, again, that this bill does not prohibit the kind of activity that causes accidents which was a car parked on the top of a hill. If that is the hazard, if that is the goal, then prohibit that kind of activity. This bill has nothing to do with that kind of activity. Senator Warner has no business making a highway safety argument. The responsibility for safety is upon the person who approaches a parked vehicle or a vehicle in front of him no matter what the conditions and that is where the responsibility should lie and will always lie. If you want to enact this bill because of relationships between farmers and city hunters, that is what you ought to talk about but this is no highway safety bill.

SPEAKER: The chair recognizes Senator Koch.

SENATOR KOCH: Mr. Speaker, members of the body, the jury, I think, has heard this debate of young attorneys. I move the previous question.

SPEAKER: Do I see five hands? The question is, shall debate cease? The Clerk will record.

CLERK: 30 ayes, 2 nays to cease debate.